IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Davide Bergamasco et al.	Attorney Docket No.: ANDIP039
Application No.: 10/777,886	Examiner: Jude Jean Gilles
Filed: February 11, 2004	Group: 2443
Title: END-TO-END CONGESTION CONTROL IN A FIBRE CHANNEL NETWORK	Confirmation No.: 6719

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Restriction Requirement dated March 17, 2009, Applicants hereby elect, with traverse, group I, claims 1, 4, 19-23, 26 and their dependencies (i.e., claims 1-10 and 24-26) to prosecute in the above-identified patent application.

MPEP 803 establishes two criteria for a restriction:

(A) The inventions must be independent or distinct as claimed; and

(B) There would be a serious burden on the examiner if the restriction is not required.

Applicants respectfully traverse the Restriction Requirement because the two claim groups are not independent and distinct. Claim 1 of group I and claim 11 of group II recite:

1.   A method for controlling network congestion, the method comprising:
    receiving, at an edge device that is in communication with a Fibre Channel network fabric but is not part of the fabric, a frame having the following:
    a source identifier corresponding to a destination node;
        a destination identifier corresponding to the edge device;

an exchange identifier corresponding to an exchange being transmitted by the edge device to the destination node; and

an instruction from a node within the Fibre Channel network to the edge device, the instruction indicating that an exchange originated by the edge device is causing network congestion; and

implementing a congestion reaction mechanism at the edge device in accordance with the instruction.

11.   A method for controlling traffic flow between a first end node and a second end node through an intermediate node that is part of a Fibre Channel switch fabric, the first end node and the second end node being outside the Fibre Channel switch fabric, the method comprising:

transmitting a first frame having a source identifier corresponding to the first end node, a destination identifier corresponding to a second end node and a exchange identifier corresponding to a particular exchange being transmitted by the first end node to the second end node;

receiving a second frame from the intermediate node, the second frame having a source identifier corresponding to the second end node, a destination identifier corresponding to the first end node and an exchange identifier corresponding to the exchange identifier of the first frame, the second frame also including instructions to adjust a current allowed rate for the exchange corresponding to the exchange identifier being transmitted from the first end node to the second end node; and

adjusting the current allowed rate for the particular exchange from the first end node to the second end node according to the instructions.

Accordingly, claim 1 describes a method for controlling network congestion at an edge device. Claim 11 describes a method for controlling traffic flow at an intermediate node. Network congestion and traffic flow are related, as demonstrated by claim 4, which describes "a method for controlling network congestion" including "characterizing traffic flow". Both claims 1 and 11 involve receiving a network frame containing a source identifier, a destination identifier, an exchange identifier, and an instruction. Claim 1 includes "instruction indicating

that an exchange originated by the end device is causing network congestion". Claim 11 includes "instructions to adjust a current allowed rate for the exchange."

As stated in the Specification: "Edge quench instructs the congestion control device nearest the source node (or the source node itself) to drop transmission rates associated with a particular flow to one-half the previous allowed rate." (Specification page 22, lines 12-15). This demonstrates that some embodiments of a congestion control device may control congestion by adjusting an allowed rate. This is further evidence that claim groups I and II are not independent and distinct.

Applicants also traverse the restriction on the grounds that the Restriction Requirement does not provide sufficient support for the stated conclusion of Examiner burden. The Guidelines for section 803 state "Examiners must provide reasons and/or examples to support conclusions, but need not cite documents to support the restriction requirement in most cases." The Restriction Requirement has not provided any reasons or examples to support the conclusions. The Restriction Requirement only states the conclusion that

The search and examination of all the claims in the application on the merits require serious burden on the examiner as the application include claims directed to two independent or distinct inventions as specified.

Restriction Requirement, page 2.

For all of the foregoing reasons, Applicants request that the Restriction Requirement be withdrawn.

If any fees are due in connection with the filing this Response to Restriction Requirement, the Commissioner is hereby authorized to charge such fees to Deposit Account 504480 (Order No. ANDIP039). Although it is believed that this paper is timely filed, Applicants hereby petition for any required extension of time. The Commissioner is hereby authorized to charge any fees for extension of time to Deposit Account 504480 (Order No. ANDIP039).

Respectfully submitted,
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